

1 HONORABLE RONALD B. LEIGHTON
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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

VINCE and JAMI ALLEN,

Plaintiffs,

v.

MASON COUNTY WASHINGTON, D/B/A
MASON COUNTY SHERIFF'S OFFICE
and Casey Salisbury, in his current capacity
as Sheriff of Mason County, Washington and
in his capacity as supervisor of the MASON
COUNTY JAIL; City of Shelton, A
Municipal Entity doing business as the City of
Shelton Police Department and Chief
Davenport, in his capacity as Chief of Police
of the City of Shelton; and Officer
Christopher Kostad, individually and in his
marital community and in his capacity as an
Officer of the City of Shelton Police
Department,

Defendant.

Case No. C09-5752 RBL

ORDER GRANTING PLAINTIFF'S
MOTION TO AMEND COMPLAINT

THIS MATTER comes before the Court on Defendant City of Shelton Police Department's FRCP
12(b)(6) Motion to Dismiss [Dkt. #5] and Plaintiffs' Motion to Amend Complaint [Dkt. #6]. Defendant
City of Shelton Police Department seeks to dismiss all claims against it because while a city is subject to
suit, a department within a city is not. [Dkt. #5]. In response, Plaintiffs ask the Court for leave to amend
the Complaint under Fed. R. Civ. P. 15(a) to name the City of Shelton as a party. [Dkt. #6, Motion to
Amend Complaint, at 2]. Plaintiffs also seek to name Mason County, Washington, as a party, presumably

1 for similar reasons. *Id.*

2 Plaintiffs represent that Defendant City of Shelton Police Department does not oppose the
3 Plaintiffs' Motion to Amend [Dkt. #6]. *Id.* Indeed, none of the defendants filed a response in opposition.
4 CR 7(b)(2), Local Rules W.D. Wash.

5 Accordingly, the Plaintiffs' Motion to Amend Complaint is GRANTED. Defendant City of
6 Shelton Police Department's motion to dismiss is DENIED as moot. The Court need not address relation
7 back of the amendment under Fed. R. Civ. P. 15(c) at this time.

8 DATED this 14th day of January, 2009.

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10 RONALD B. LEIGHTON
11 UNITED STATES DISTRICT JUDGE